

**ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
MINUTES OF MEETING
NOVEMBER 14, 2007
PHOENIX, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on November 14, 2007, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Sheriff Gary Butler, Chairman
Mr. Joseph Duarte
Deputy Director Dave Felix, representing Director Vanderpool
Acting Deputy Director John Hallahan, representing Director Schriro
Chief Jack Harris
Chief Patricia Huntsman
Ms. Wendy Larsen
Dr. Michael Polakowski
Chief Jerry Sheridan
Sergeant Robert Thompson
Sheriff Chris Vasquez

Members Absent:

Attorney General Terry Goddard

Staff in Attendance:

Harry Atkins
Ted Brandon
Marie Dryer
Bob Forry
Tom Hammarstrom
Steve Jacobs
Lori Ketron
Gary Maschner
Lyle Mann
Curt Milam
Sandy Sierra
Maria Valtierra
Rick Watling

Assistant Attorney General
Nancy Beck
Diana Stabler

A. CALL TO ORDER

Chairman Butler called the meeting to order at 10:01 a.m.

B. CONSENT AGENDA

The Consent Agenda was approved unanimously, motion made by Chief Sheridan, seconded by Chief Huntsman.

1. Minutes of the Regular Board meeting, held on September 19, 2007, were approved as written.
2. Minutes of the Charging Board meeting, held on October 17, 2007, were approved as written.
3. The next scheduled Charging Board meeting is Wednesday, December 19, 2007, at 10:00 a.m. at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

The next scheduled Regular Board meeting is Wednesday, January 8, 2008, at 10:00 a.m. at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

4. Ministerial Actions:
 - a. Certification Waivers: LIST ATTACHED TO AGENDA PACKET.
 - b. Instructor Certification Renewals: LIST ATTACHED TO AGENDA PACKET.
 - c. Training Program Confirmations: LIST ATTACHED TO AGENDA PACKET.
5. Decertification Case Status Report - As of September 30, 2007, the Compliance and Standards Unit had a caseload of 142 active cases. 14 cases are ready for initial presentation; 49 cases need further investigation; 18 cases are pending service of or response to a Notice of Complaint or Decision; 9 cases are pending hearing; 9 cases are ready for final action, and 43 cases are waiting for outside action, i.e., a criminal trial or civil service hearing.

6. Income and Expense Statement – September 2007

Funds as of September 1, 2007	\$ 1,333,537.03
CJEF Revenue	558,493.21
Expenditures/Encumbrances	(660,415.00)
Balance for September 30, 2007	\$ 1,231,615.24

C. REGULAR AGENDA

1. 2008 Calendar Year Meetings of the Board
 Lyle Mann addressed the Board to discuss the upcoming calendar for 2008. The Board reviewed the calendar for next year and no changes were made.

There is no motion required on this item. This is an “information only” document presented to the Board.

2. Delegation of Ministerial Duties – A.R.S. §25-517 Child Support Noncompliance Orders
 Diana Stabler addressed the Board to discuss a new statute which requires all professional or occupational licensing boards to suspend the license of a person who is the subject of an order from the Department of Economic Security for willful failure to pay child support.

Sheriff Vasquez moved to direct the Executive Director to take immediate action to suspend the certification of any person who is the subject of a nondiscretionary DES Order concerning child support noncompliance, seconded by Dr. Polakowski, motion carried unanimously.

3. Pending Legislation Impacting Upon POST Standards
 Ray Churay from the Maricopa County Sheriff's Office addressed the Board regarding legislation they will be introducing which will impact POST minimum standards for appointment. The legislation would allow a peace officer who retires in good standing from one Arizona agency and is hired by another Arizona agency within six months to be hired without an additional background investigation or polygraph examination.

After much discussion on this issue, the Board requested that the Rules Committee address this matter and make a recommendation to the Board.

D. LEGISLATIVE UPDATE

Deputy Director Mann informed the Board that the legislature is currently not in session.

E. SUMMARY OF CURRENT EVENTS

Director Hammarstrom informed the Board that the Basic Training and Advisory Group would be having a follow-up meeting later in the day.

F. COMMITTEE UPDATE

Director Hammarstrom informed the Board that the Rules Committee will be meeting in January to discuss the legislation the Maricopa County Sheriff's Office plans to introduce. The Rules Committee will also address the issue of steroids at this meeting.

G. REPORTS**1. Basic Training**

ALEA – Sgt. Long reported they currently have five classes representing 19 agencies with 246 recruits. A new class has been added to the schedule, this will be an all Phoenix class.

MCSO – Sgt. Mario Escudero reported they currently have 7 classes with 267 cadets. They will have 7 academies in 2008.

Mesa P.D. - Lt. Mark Wesselman reported they have a class that will graduate in December will 31 cadets representing four agencies. A new class will start in January with 40 recruits.

Pima County S.O. – Lt. David Peru reported they currently have a class with 42 recruits. Another class will start April 4, 2008.

3. Department of Corrections – Mr. Hallahan stated they have found a plateau in terms of vacancies. Since their last raise on July 1, their vacancy rate is down to 2.5 %.**H. FINAL ACTION CASES:****Case #1 – David J. Cathie-Atkins – Pinal County Sheriff's Office**

Sheriff Vasquez recused himself from this case. The Board considered comments from Assistant A. G. Diana Stabler. Mr. Duarte made a motion to adopt the Consent Agreement Order and Decision for a six month

suspension of peace officer certification from June 6, 2007, until December 7, 2007, seconded by Chief Huntsman, motion carried unanimously.

Case #2 – John P. Contreras – Glendale Police Department

The Board considered comments from Assistant A. G. Diana Stabler. Chief Sheridan made a motion to adopt the Consent Agreement Order and Decision for suspension until lapse (6/8/09) of peace officer certification, seconded by Sheriff Vasquez, motion carried unanimously.

Case #3 – Sarah J. Hallett – Oro Valley Police Department

Deputy Director Felix recused himself from this case. The Board considered comments from Assistant A. G. Diana Stabler. Chief Harris made a motion to adopt the Consent Agreement Order and Decision for voluntary relinquishment of peace officer certification, seconded by Sheriff Vasquez, motion carried unanimously.

Case #4 – Kenneth W. Kratzer – Maricopa County Sheriff's Office

Chief Sheridan recused himself from this case. The Board considered comments from Assistant A. G. Diana Stabler and Kenneth Kratzer. Chief Huntsman made a motion to adopt the Consent Agreement Order and Decision and suspend certification for one year effective November 14, 2007, seconded by Sergeant Thompson, motion carried with three nay votes.

Case #5 – Ronald L. LeDuc Jr. – Scottsdale Police Department

The Board considered comments from Assistant A. G. Diana Stabler. Chief Sheridan made a motion to adopt the Consent Agreement Order and Decision for a one year suspension of peace officer certification beginning on November 14, 2007, and providing credit for 80 days of time, seconded by Sheriff Vasquez, motion carried unanimously.

Case #6 – Brad L. Moore – Glendale Police Department

The Board considered comments from Assistant A. G. Diana Stabler. Chief Sheridan made a motion to adopt the Consent Agreement Order and Decision for voluntary relinquishment of peace officer certification, seconded by Chief Huntsman, motion carried unanimously.

Case #7 – Joseph L. Varman – Lake Havasu City Police Department

The Board considered comments from Assistant A. G. Diana Stabler. Mr. Duarte made a motion to adopt the Consent Agreement Order and Decision for voluntary relinquishment, seconded by Chief Sheridan, motion carried unanimously.

Case #8 – Michael A. Bynaker – AZ Department of Public Safety

Deputy Director Felix recused himself from this case. The Board considered comments from Assistant A. G. Nancy Beck and Michael Bynaker. Chief Sheridan made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Sheriff Vasquez, motion carried unanimously.

Case #9 – David R. Johnson – Chino Valley Police Department

Chief Huntsman recused herself from this case. The Board considered comments from Assistant A. G. Diana Stabler. Chief Harris made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Deputy Director Felix, motion carried unanimously.

Case #10 – Kevin M. Murphy – Colorado River Indian Tribal Police

The Board considered comments from Assistant A. G. Diana Stabler. Chief Sheridan made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Harris, motion carried unanimously.

Case #11 – Paul T. Sennett – AZ Department of Public Safety

Deputy Director Felix and Mr. Duarte recused themselves from this case. The Board considered comments from Assistant A. G. Diana Stable, Paul Sennett, George Anderson, Brant Benham and Mike Linvingston. Chief Harris made a motion to adopt the Findings of Fact and Conclusions of Law and suspend peace officer certification for one year from August 21, 2006, to August 21, 2007, seconded by Mr. Hallahan, motion carried with three nay votes.

Case #12 – Lewis S. Shupe – AZ Department of Public Safety

Deputy Director Felix recused himself from this case. The Board considered comments from Assistant A. G. Diana Stabler. Dr. Polakowski made a motion to adopt the Findings of Fact and Conclusions of Law and suspend peace officer certification for one year from June 12, 2007, to June 12, 2008, seconded by Chief Sheridan, motion carried unanimously.

I. NEW CHARGING CASES:

Case #1 – Heriberto Bejarano – San Luis Police Department

Chief Sheridan made a motion to ***Initiate Proceedings***, seconded by Chief Huntsman, motion carried unanimously.

Case #2 – Martin L. Bowling – AZ Department of Public Safety

Deputy Director Felix recused himself from this case. Chief Huntsman made a motion to amend the complaint, seconded by Ms. Larsen, motion carried unanimously.

Case #3 – Bradley W. Conley – Scottsdale Police Department

Chief Huntsman made a motion to **Initiate Proceedings**, seconded by Chief Harris, motion carried unanimously.

Case #4 – Paul R. Haizlip – Scottsdale Police Department

Sheriff Vasquez made a motion to close this case with **No Action with Agency Discretion**, seconded by Chief Hunstman, motion carried unanimously.

Case #5 – William P. Langan – Pinal County Sheriff's Office

Sheriff Vasquez recused himself from this case. Chief Sheridan made a motion to **Initiate Proceedings**, seconded by Mr. Duarte, motion carried unanimously.

Case #6 – Richard T. McGalliard – Navajo County Sheriff's Office

Sheriff Butler recused himself from this case. Chief Hunstman made a motion to close this case with **No Action with Agency Discretion**, seconded by Ms. Larsen, motion carried unanimously.

Case #7 – Tammy M. Morez – Navajo Nation Department of Public Safety

Chief Sheridan made a motion to request that staff **Research Further**, seconded by Chief Huntsman, motion carried unanimously.

Case #8 – Robert A. Remsik – Phoenix Police Department

Chief Harris recused himself from this case. Dr. Polakowski made a motion to **Initiate Proceedings**, seconded by Mr. Duarte, motion carried unanimously.

Case #9 – Richard O. Rico – AZ Game and Fish Department

Chief Huntsman made a motion to close this case with **No Action with Agency Discretion**, seconded by Chief Sheridan, motion carried unanimously.

Case #10 – James S. Russ – Phoenix Police Department

Chief Harris recused himself from this case. Chief Sheridan made a motion to close this case with **No Action with Agency Discretion**, seconded by Chief Huntsman, motion carried unanimously.

Case #11 – Mark J. Thompson – San Carlos Recreation and Wildlife

Chief Huntsman made a motion to **Initiate Proceedings**, seconded by Sheriff Vasquez, motion carried unanimously.

Case #12 – Emanuel R. Torres – Santa Cruz County Sheriff's Office

Sgt. Thompson recused himself from this case. Chief Sheridan made a motion to **Initiate Proceedings**, seconded by Mr. Duarte, motion carried unanimously.

Case #13 – David G. Wiley II – Maricopa County Sheriff's Office

Chief Sheridan recused himself from this case. Chief Huntsman made a motion to **Initiate Proceedings**, seconded by Dr. Polakowski, motion carried unanimously.

Case #14 – Gary L. Worz Sr. – Quartzsite Police Department

Chief Huntsman made a motion to close this case with **No Action**, seconded by Sheriff Vasquez, motion carried unanimously.

J. CALL TO THE PUBLIC

No one wished to address the Board during the call to the public.

K. ADJOURN

Chairman Butler adjourned the meeting at 12:15 p.m.

Dated: November 20, 2007

Sandra L. Sierra, Recording Secretary

Minutes approved as written.

Gary Butler, Chairman